



Queensland

Planning and Environment Court (Mediation) Amendment Rule 2019

Subordinate Legislation 2019 No. 67

made under the

Planning and Environment Court Act 2016

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1 Short title

This rule may be cited as the *Planning and Environment Court (Mediation) Amendment Rule 2019*.

2 Commencement

This rule commences immediately after the commencement of the *Economic Development and Other Legislation Amendment Act 2019*, section 191.

3 Rules amended

This rule amends the *Planning and Environment Court Rules 2018*.

4 Amendment of r 28 (Experts attending meeting of experts must prepare joint report)

Rule 28(3)(a), after ‘conference’—

insert—

or mediation

5 Amendment of r 45 (Without prejudice conference)

Rule 45(1) and (2), after ‘ADR registrar’—

insert—

or mediator

6 Insertion of new r 45A

After rule 45—

insert—

45A Mediation

- (1) An ADR registrar or mediator must, if directed by the P&E Court, convene and chair a mediation for a P&E Court proceeding.

- (2) Also, an ADR registrar or mediator may, if asked by all the active parties to a P&E Court proceeding, convene and chair a mediation for the proceeding.
- (3) If a mediation is convened under subrule (1) or (2) for a P&E Court proceeding—
 - (a) each active party to the proceeding must attend the mediation; and
 - (b) any other person directed by the P&E Court must attend the mediation; and
 - (c) any other person may attend the mediation if all the active parties to the proceeding agree.
- (4) In this rule, a reference to an active party to a P&E Court proceeding includes a reference to a person who—
 - (a) is familiar with the substance of the issues in dispute in the proceeding; and
 - (b) is either—
 - (i) authorised by the active party to settle the issues; or
 - (ii) if attendance by a person with authority to settle the issues is impractical—authorised to make a recommendation to the active party about settling the issues.

7 Amendment of r 46 (Admissions at conference)

Rule 46(3), definition *conference*, ‘or without prejudice conference’—

omit, insert—

, without prejudice conference or mediation

ENDNOTES

- 1 Made by the Governor in Council on 9 May 2019.
- 2 Notified on the Queensland legislation website on 10 May 2019.
- 3 The administering agency is the Department of State Development, Manufacturing, Infrastructure and Planning.

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